

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Aurora Maoz	Team: Team # 4	CCRB Case #: 200806281	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/04/2008 11:40 PM	Location of Incident: 113th Street and Lenox Avenue	Precinct: 28	18 Mo. SOL 11/4/2009	EO SOL 11/4/2009	
Date/Time CV Reported Mon, 05/05/2008 12:32 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/05/2008 12:32 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jhovanny Ysabel	14828	943976	PSA 5
2. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Jhovanny Ysabel	Discourtesy: PO Jhovanny Ysabel spoke obscenely and/or rudely to § 87(2)(b)	
B.POM Jhovanny Ysabel	Discourtesy: PO Jhovanny Ysabel spoke obscenely and/or rudely to § 87(2)(b)	
C. An officer	Force: An officer used pepper spray against § 87(2)(b)	

Synopsis

On May 5, 2008, § 87(2)(b) called the CCRB to file a complaint against PO Jhovanny Ysabel of PSA 5, regarding an incident that took place on May 4, 2008, around 11:40 PM, at a park located at 113th Street and Lenox Avenue in Manhattan within the confines of the 28th Precinct. § 87(2)(b) reported that he was eating food in the park with friends, two of whom were identified as § 87(2)(b) and her younger sister, § 87(2)(b). Two unidentified officers approached § 87(2)(b) and his friends, and told them that they could stay until midnight but then they had to leave. Two additional officers approached after the first two left, and told them that they had to leave the park now. § 87(2)(b) stated that the other officers had told them that they could stay. In response, an officer, identified by name as PO Ysabel, told § 87(2)(b) to shut up and leave. PO Ysabel also said "Fuck your mother" in Spanish to § 87(2)(b). § 87(2)(b) got offended because her mother is dead and stood up as if she were about to hit the officer, so § 87(2)(b) held her back. PO Ysabel then stated, "Hit me bitch." § 87(2)(b) and his friends were eventually issued summonses for § 87(2)(b).

§ 87(2)(g) On May 8, 2008, the undersigned spoke with § 87(2)(b) and he at first stated that he was not interested in pursuing his complaint via the avenues that the CCRB has available. He then stated that he wanted a chance to speak with his friends who were present and he would call back regarding his decision about the complaint. § 87(2)(b) did not call the undersigned back, and between May 14, 2008, and May 22, 2008, four additional calls were placed to § 87(2)(b) and a please call letter was sent. § 87(2)(b) did not return these contact attempts.

After several telephone messages were left, § 87(2)(b) called the CCRB and provided a brief statement on May 22, 2008. She stated that she received the letter that was sent to her on May 14, 2008. She added the allegation that an officer called her sister, § 87(2)(b) a "fucking bitch." § 87(2)(b) decided to officially withdraw her complaint, stating that she did not have time to pursue it right now. She stated that she was not coerced by anyone from the CCRB nor from the NYPD into withdrawing her complaint, and that she made the decision voluntarily. She agreed to verify her withdrawal in writing, and a withdrawn complaint letter was sent on June 30, 2008 and will be added to the case file upon its receipt. Team Manager Robert Loneragan listened to a recording of this conversation on June 30, 2008.

The undersigned made many attempts to contact § 87(2)(b) who is § 87(2)(b)-years-old. Permission was obtained to speak with her through her guardian, § 87(2)(b) on May 22, 2008. After numerous phone calls, the undersigned made contact with § 87(2)(b) on June 17, 2008. § 87(2)(b) who lives at the same address as § 87(2)(b) provided a brief phone statement and confirmed that an officer cursed at her, and she replied with profanity. At that time, § 87(2)(b) equivocated regarding whether or not she wished to pursue her complaint. She then stated that an officer used pepper spray against her. No further details could be obtained regarding this alleged instance of misconduct as the conversation cut off, and there was no answer when § 87(2)(b)'s number was called back. A please call letter was sent to § 87(2)(b) on June 17, 2008, and an additional call was placed and a message was left on June 23, 2008. § 87(2)(b) did not return these contact attempts.

§ 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: